REMARKS

A Request for Continued Examination (RCE) accompanies this Amendment. Claims 2, 4, 5, 13, 14, 40, 41, 49, 50 and 75-81 are currently pending in the Application. Claims 2, 4, and 40 have been amended herein. Claims 75-81 are newly presented. All other pending claims remain in their original or previously amended form. Reconsideration of the Application is respectfully requested.

I.   Rejections Under 35 U.S.C. § 102(b)

Claim 2 stands rejected as allegedly being anticipated by the eWatch website service, as archived on May 22, 1998.

Independent claim 2, as amended, is directed to a method for collecting and analyzing electronic discussion messages; wherein the method comprises the steps of: (a) collecting a plurality of message information from a plurality of pre-determined electronic discussion forums; (b)storing the plurality of message information in a central data store; (c) categorizing the message information according to a plurality of pre-determined rules; (d) assigning an opinion rating to the plurality of message information based on a plurality of pre-determined linguistic patterns and associative rules; (e) collecting a plurality of objective data from a plurality of objective data sources; (f) analyzing the message information and the objective data to identify trends in the pattern of behavior in pre-determined markets and the roles of individual participants in electronic discussion forums; and (g) generating reports for end-users based on the results of the analyses performed by the present invention.

A.   The cited eWatch reference is not enabling.

Element (d) of claim 2 requires "assigning an opinion rating to the plurality of message information based on a plurality of pre-determined linguistic patterns and associative rules." The Office action contends that the step of assigning an opinion rating to each message is taught by eWatch (Office action, p.7). In an attempt to support this assertion, the Office action cites to several news articles discussing the business goals of the eWatch service, one of which is to identify messages that contain words expressing positive or negative opinions about a particular company. These news articles, however,

do not explain how eWatch purportedly does this; they only contain statements that this is a business goal of eWatch, such as:

- "These days, eWatch's proprietary software does the first round of filtering, churning out reports based on keywords – perhaps a client's name, combined with 'boycott,' 'angry,' or even cruder denigrating terms." (eWatch news articles, p.23)

- "To help companies combat negative publicity and even track the good comments, a 2-year-old company called eWorks! offers a service that monitors the Web for any mention of its clients." (eWatch news articles, p.28)

Statements like these in the news articles cited by the Office action do not even come close to *enabling* persons skilled in the art to practice the present invention. It would require tremendous experimentation for even a skilled software designer to implement the claimed invention after reading these vague accounts of eWatch's activities. Indeed, even after reading these articles, one would need to start virtually from scratch in order to implement the claimed invention because the news accounts of eWatch's business do not explain *how* to implement these steps at all. Because these news articles about eWatch cited by the Office action do not enable a person skilled in the art to practice the claimed invention, they are legally insufficient as a prior art reference. As explained by the Federal Circuit, "A claimed invention cannot be anticipated by a prior art reference if the allegedly anticipatory disclosures cited as prior art are not enabled." *Elan Pharmaceuticals, Inc. v. Mayo Foundation for Medical Educ. and Research*, 346 F.3d 1051, 1054 (Fed. Cir. 2003); *Amgen, Inc. v. Hoechst Marion Roussel, Inc.*, 314 F.3d 1313, 1354 (Fed. Cir. 2003). "To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter." *Elan Pharmaceuticals,* 346 F.3d at 1054; *PPG Industries, Inc. v. Guardian Industries Corp.*, 75 F.3d 1558, 1566 (Fed. Cir. 1996).

B. The cited references contain no evidence that eWatch uses "linguistic patterns and associative rules."

Furthermore, the use of "pre-determined linguistic patterns and associative rules," as required by claim 2, is absent from eWatch. The news articles cited by the Office action state that eWatch can "help companies combat negative publicity and even track

the good comments," but the articles do not explain *how* eWatch does this. Any assumption that eWatch must be using a particular method to perform this step is mere speculation. Thus, when the Office action states that "eWatch must necessarily utilize pre-determined linguistic patterns and associative rules" (Office action, p.4), the Office action is jumping far beyond the cited references (the news articles about eWatch) and engaging in speculation that finds no support in the cited references. Even if one believes that eWatch *might* use or *could* use pre-determined linguistic patterns and associative rules, that mere belief cannot be used to support a rejection absent a citation to some concrete evidence to support the assertion. As the Federal Circuit in *Elan Pharmaceuticals* stated, "To anticipate a claim, a reference must disclose every element of the challenged claim . . ." *Elan Pharmaceuticals,* 346 F.3d at 1054.

eWatch's keyword search feature does not logically compel the conclusion that it must be using "pre-determined linguistic patterns and associative rules." All we know from the cited references (the news articles about eWatch) is that eWatch can perform keyword searches, "perhaps a client's name, combined with 'boycott,' 'angry,' or even cruder denigrating terms." (eWatch news articles, p.23) For example, we know that eWatch is capable of finding messages that contain the word "angry" combined with "Northwest Airlines." This kind of keyword search that is described in the cited references, however, does not involve "linguistic patterns" at all. It could be just as easily performed in German, Spanish, or Japanese as in English, and no knowledge of the "linguistic patterns" of any particular language would be necessary. In fact, this keyword search could just as easily be performed on some data conglomeration that does not invoke "linguistic patterns" at all; for example, eWatch could search for messages where "14159" appears in connection with "26535". "Linguistic patterns" are something more – they involve the assembly of words according to particular rules and customs to express

a thought in a language.[1] The cited references contain no evidence suggesting that eWatch employs this concept.

C. The cited references contain no evidence that eWatch "identifies trends."

Additionally, step (f) of claim 2, which requires "identify[ing] trends in the pattern of behavior in pre-determined markets and the roles of participants in electronic discussion forums," is absent from eWatch. The eWatch articles make no mention or suggestion of "identifying trends" in anything. One might be tempted by the mention in one news article of clients' concern with messages affecting their stock price (eWatch news articles, p.23), but stock prices can be monitored without "identifying trends." We can sit here and speculate all day that perhaps eWatch could be identifying trends, but the written materials upon which the Office action's rejection is based contain absolutely no mention of this.

D. eWatch does not teach analyzing the roles of individual participants in electronic discussion forums.

Finally, claim 2 has been amended to clarify that this step (f) requires analyzing the "roles of individual participants in electronic discussion forums." As amended, this step is clearly absent from eWatch, which only analyzes the nature of an electronic forum discussion as a whole (see p.23 of the eWatch news articles: "Lately, eWatch is being called more often by corporate investor relations departments who want to know if and how Internet discussions are affecting their stock prices.") The cited references make no mention of tracking the roles of individual discussion forum participants, as required by amended claim 2.

For the foregoing reasons, claim 2 is in condition for allowance, and Applicant respectfully requests that the rejection be withdrawn.

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[1] Linguistics means "of or pertaining to the knowledge or study of languages." *Shorter Oxford English Dictionary on Historical Principles*, Vol.1, Oxford University Press (Fifth Ed., 2002). Linguistics is "the scientific study of language, comprising etymology, semantics, phonetics, morphology, and syntax." Bryan A. Garner, *A Dictionary of Modern American Usage*, Oxford University Press, 1998. The cited references do not contain any suggestion of using any of these features of language to assign an opinion rating to an electronic discussion message.

II.   Rejections Under 35 U.S.C. § 103(a)

Claims 4, 13, 14, 40, and 49, and 50 stand rejected as allegedly being obvious from the eWatch reference in view of the CyberSleuth reference. Claims 5 and 41 stand rejected as allegedly being obvious from the eWatch reference in view of the CyberSleuth reference in further view of U.S. Patent No. 6,067,539 ("Cohen").

A.   Claims 4 and 5

Independent claim 4, as amended, is directed to a system for processing message traffic in a plurality of electronic discussion forums, comprising: a message collector for collecting messages from the plurality of electronic discussion forums; a message categorizer for processing the messages based on a series of topics; and a data analyzer for tracking a plurality of pseudonyms and the roles of individual participants using the pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages; wherein the message collector communicates with a database storing configuration information for the plurality of electronic discussion forums, thereby enabling the message collector to collect messages corresponding to a plurality of message formats or communications protocols.

1.   Neither eWatch nor CyberSleuth tracks the roles of individual participants using pseudonyms posting in electronic discussion forums.

Claim 4 has been amended herein to provide that the data analyzer tracks "a plurality of pseudonyms and the roles of individual participants using the pseudonyms posting in the plurality of electronic discussion forums." As discussed above, this feature of tracking the roles of *individual* discussion forum participants is absent from the cited eWatch references. Additionally, this feature is absent from CyberSleuth, which is directed to a completely different problem. CyberSleuth provides a method for discovering the true identity of a person who is posting to a discussion forum under a particular screen name. The Office action cites to a printout of an e-mail message in which the author discusses the CyberSleuth service, stating that "eWatch CyberSleuth will attempt to identify the entity or entities behind the screen name(s) which have

targeted your organization." (CyberSleuth reference, ¶ 6) CyberSleuth does not track "the roles of individual participants using the pseudonyms," as required by amended claim 4. The method performed by the present invention, which tracks the roles of individual participants an the electronic discussion forum, is not concerned with discovering the true identity behind a pseudonym (CyberSleuth's goal) at all. Rather, the present invention provides a system to analyze the way in which messages posted by individual forum participants influence the discussion in that forum or external events. This feature is completely absent from CyberSleuth.

2. Neither eWatch nor CyberSleuth teaches use of a database storing configuration information for the plurality of electronic discussion forums.

Additionally, claim 4 requires "a database storing configuration information for the plurality of electronic discussion forums." The Office action cites eWatch's ability to download and search messages from a variety of online services, including CompuServe, America Online, Prodigy, and Microsoft Network, to infer that eWatch can handle different message formats and communications protocols. Nevertheless, even if this inference is correct, the cited eWatch news articles make no mention of a *database* used to store *configuration* information. We could speculate that perhaps eWatch uses such a database. Alternatively, it is plausible that eWatch uses some other means to enable it to process messages from different online services. Such speculation, however, cannot be used to reject a claim. The cited references (the news articles about eWatch) do not provide any evidence that such a database is used by eWatch. Accordingly, this claim element is not taught by the cited references.

Claim 5 depends from claim 4 and is therefore allowable for the same reasons stated above.

B. Claims 13 and 14

Independent claim 13 is directed to a system for processing message traffic in a plurality of electronic discussion forums, comprising: a message collector for collecting messages from the plurality of electronic discussion forums; a message processor for processing the messages according to a series of topics, wherein the message processor

processes a message to compute a relevance of the message to at least one topic from the series of topics; and a data analyzer for tracking a plurality of pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages; wherein the message processor processes the messages to compute an opinion for the message based on a plurality of pre-determined linguistic patterns and associative rules according to the at least one topic.

Claim 13 requires the limitation that "the message processor processes the messages to compute an opinion for the message based on a plurality of pre-determined linguistic patterns and associative rules according to the at least one topic." As discussed above with respect to claim 2, this use of "pre-determined linguistic patterns and associative rules" is not taught by the eWatch reference. Accordingly, for the same reasons discussed above, claim 13 is in condition for allowance.

Claim 14 depends from claim 13 and is therefore allowable for the same reasons stated above.

C.   Claims 40 and 41

Independent claim 40, as amended, is directed to a method for processing message traffic in a plurality of electronic discussion forums, comprising the steps of: collecting messages from the plurality of electronic discussion forums; processing the messages based on a series of topics; tracking a plurality of pseudonyms and the roles of individual participants using the pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages; and storing configuration information for the plurality of electronic discussion forums in a database, and wherein the step of collecting messages comprises collecting messages corresponding to a plurality of message formats or communications protocols.

This claim has been amended herein to provide that the data analyzer tracks "a plurality of pseudonyms and the roles of individual participants using the pseudonyms posting in the plurality of electronic discussion forums." As discussed above with respect to claims 2 and 4, this feature of tracking the roles of *individual* discussion forum participants is absent from the cited eWatch and CyberSleuth references.

Additionally, claim 40 requires "a database storing configuration information for the plurality of electronic discussion forums." As discussed above with respect to claim 4, the cited references (the news articles about eWatch) do not provide any evidence that such a database is used by eWatch. Accordingly, this claim element is not taught by the cited references.

Claim 41 depends from claim 40 and is therefore allowable for the same reasons stated above.

D.　　Claims 49-50

Independent claim 49 is directed to a method for processing message traffic in a plurality of electronic discussion forums, comprising the steps of: collecting messages from the plurality of electronic discussion forums; processing the messages according to a series of topics and computing a relevance of the messages to at least one topic from the series of topics; and tracking a plurality of pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages; wherein the processing step further comprises the step of computing an opinion for the message based on a plurality of pre-determined linguistic patterns and associative rules according to the at least one topic.

Claim 49 requires the step of "computing an opinion for the message based on a plurality of pre-determined linguistic patterns and associative rules" As discussed above with respect to claims 2 and 13, this use of "pre-determined linguistic patterns and associative rules" is not taught by the eWatch reference. Accordingly, for the same reasons discussed above, claim 49 is in condition for allowance.

Claim 50 depends from claim 49 and is therefore allowable for the same reasons stated above.

III.　　New Claims

New claims 75 through 78 have been added, and these claims include the limitations that the relevance score is computed based on a set of predetermined rules for each topic; and the predetermined rules for each topic comprise a set of conditions defining information relevant to the topic. Support for this feature can be found in the
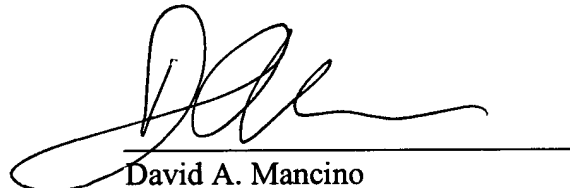
Specification at page 14, lines 13-15. Additionally, new claims 79 and 81 have been added, and these claims include the limitation that the roles of individual participants are classified by correlating their postings with objective data relating to events external to the electronic discussion forum. Support for this feature can be found in the Specification at page 18, lines 2-6. The limitations contained in these new claims are not found in any of the cited references. Accordingly, Applicant submits that these claims are in condition for immediate allowance.

IV.   **Conclusion**

In light of the foregoing, it is respectfully submitted that claims 2, 4, 5, 13, 14, 40, 41, 49, 50, and 75-81 now pending as amended, are distinguishable from the references cited, and in condition for allowance. Reconsideration and withdrawal of the rejections of record is respectfully requested.

If the Examiner wishes to discuss any aspect of this response, please contact the undersigned at the telephone number provided below.

Respectfully submitted,

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